

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

NATHANIEL WELLS,

Defendant.

CASE NO. CR12-339-RSM
CR16-7-RSM

ORDER DENYING SECOND MOTION
FOR COMPASSIONATE RELEASE

This matter comes before the Court on the Second Motion for Compassionate Release filed by Defendant Nathaniel Wells. Case No. 12-cr-339-RSM, Dkt. #57. Mr. Wells, an inmate at FCI Sheridan in Oregon, “seeks entry of an order pursuant to Title 18 USC § 3582(c) releasing him from confinement subject to a period of supervised release,” or in the alternative home confinement. *Id.* at 1. He also seeks the appointment of counsel. *Id.* He appears to have exhausted his administrative remedies as required by the applicable statute. *See id.* at 22.

The Court agrees with the following procedural history and analysis from the Government’s Response:

...[W]ith assistance of counsel, the defendant has already brought an identical motion, which this Court denied on the merits. Dkt. 420. This Court also rejected the defendant’s motion for reconsideration. Dkt. 431. There is no reason for this Court to revisit this question yet again. His third motion—this time filed pro se—presents essentially the same claims.

Case No. 12-cr-339-RSM, Dkt. #60 at 1–2.

1 We have been here before. A full recitation of the applicable legal standard is
2 unnecessary, and the Court incorporates the legal standard set forth in its prior Order. *See* Case
3 No. 16-cr-7-RSM, Dkt. #420. The Court there ruled:

4 By all accounts Mr. Wells is a healthy 37-year-old without any
5 known risks associated with a higher chance of mortality or serious
6 injury from COVID-19. The conditions described at FCI Sheridan,
7 although no doubt challenging and uncomfortable, do not alone
8 create an extraordinary and compelling reason to release all inmates
9 regardless of individual health issues. Given the above, the Court
finds no extraordinary and compelling reason to grant the requested
relief and the Court need not proceed through Mr. Wells's Section
3553 factors or any other considerations.

10 Case No. 16-cr-7-RSM, Dkt. #420, at 4–5.

11 On August 31, 2020, after reviewing new information submitted by Mr. Wells in a motion
12 for reconsideration, including his Body Mass Index (“BMI”), the Court stated:

13 Mr. Wells remains a healthy 37-year-old. The Court was previously
14 aware of Mr. Wells' obesity. The CDC now acknowledges that
15 obesity with a BMI of 30 or higher is a risk factor for severe illness
16 from COVID-19. However, given Mr. Wells' age and lack of other
17 health conditions, the Court finds that his BMI of 33.5 alone fails to
18 significantly increase his risk from COVID-19 to constitute
19 extraordinary and compelling reasons for release. The other new
information—four positive cases at FCI Sheridan—does not
indicate to the Court that there is a widespread outbreak of COVID-
19 or that such places him at higher risk of complications from
COVID-19 compared to his risk if released.

20 Case No. 16-cr-7-RSM, Dkt. #431 at 4.

21 This latest Motion does not include any new health concerns specific to Mr. Wells.
22 Although he has included new information about the operations at FCI Sheridan, he lists no new
23 significant risks to him from COVID-19 and the Court finds no reason to deviate from its prior
24 rulings on this matter. The Court further finds that Mr. Wells has not demonstrated a need for
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1 the appointment of counsel, as this issue was previously addressed in a Motion brought by
2 defense counsel.

3 Accordingly, having reviewed the Motion, along with the remainder of the record, the
4 Court hereby finds and ORDERS that Defendant's Second Motion for Compassionate Release,
5 Case No. 12-cr-339-RSM, Dkt. #57, is DENIED.

6 DATED this 26th day of October, 2020.
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10 RICARDO S. MARTINEZ
11 CHIEF UNITED STATES DISTRICT JUDGE
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